



November 9, 2012

IFYI HIGHLIGHTS

TO: Mayor and Members of Council

FROM: Denise Turner Roth, City Manager *SN*

SUBJECT: Items for Your Information

- Performing Arts Center Report
- Eva Foster
- Post RUCO Study Committee
- Council Vacancy
- Human Relation Public Meetings
- "City Pay" Water Bill Payment Program

Performing Arts Center Report

The Performing Arts Center (PAC) task force report to Council will be delayed due to the recent storms. The original plan was for a presentation to Council at the November 13, 2012 Council meeting. As the consultants are in various places in the northeast, their work has been hampered by the storms. The PAC task force is now scheduled to present to Council at the December 4, 2012 meeting.

Eva Foster

Attached is a memorandum from City Attorney Mujeeb Shah-Khan, dated October 18, 2012, providing information on the findings to date and previously shared information with Council on Mrs. Foster's lawsuit against the City. Also attached is a email with updated information.

Post RUCO Study Committee

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated November 9, 2012, providing an update on the Post Rental Unit Certificate of Occupancy (RUCO) Study Committee.

Council Vacancy

Attached is a memorandum from City Clerk Betsey Richardson, dated November 8, 2012, regarding the procedure to fill the vacancy on the City Council for District 5, on or before January 9, 2013, as well as, the press release announcing that the City is accepting resumes for this position.

Human Relations Public Meetings

Attached is a memorandum from Assistant City Manager Sandy Neerman, dated November 9, 2012, regarding the recent public meetings to reshape the vision and mission of the Human Relations Department.

"City Pay" Water Bill Payment Program

Attached is a press release regarding the new program called "City Pay" which is for residents to pay their water bills on the phone.

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of October 29, 2012 through November 4, 2012.

Small Group Meetings

Attached is the Small Group Meetings report for the week of November 2, 2012 through November 8, 2012, between City Staff and [more than two but less than five] Councilmembers.

DTR/mm

Attachments

cc: Office of the City Manager
Global Media

Office of the City Attorney
City of Greensboro



October 18, 2012

TO: Mayor and Council

FROM: S. Mujeeb Shah-Khan, City Attorney
Brian K. Leonard, Assistant City Attorney

SUBJECT: Eva Foster v. City of Greensboro and Sterling Adjustment Company

As a follow-up to the October 16, 2012 City Council meeting, this memo addresses the lawsuit brought by Mrs. Eva Foster against the City.

Background

Mrs. Foster's claims against the City arose out of an incident where police officers entered, handcuffed, and transported multiple persons away from the Oriental Market located at 1800 Coliseum Drive in connection with an illegal sports betting operation back on September 21, 2009. During this incident, Mrs. Foster was initially handcuffed, but law enforcement officers soon removed handcuffs from her, after determining that she was not a threat. At the scene, Mrs. Foster did not seek medical attention despite the presence of EMS personnel, but instead chose to drive herself home. Mrs. Foster did not seek medical attention until eight days later. After the incident, Mrs. Foster had some contact with former Police Chief Tim Bellamy, and Mayor Pro Tem Johnson, in regards to her claim. However the details of those conversations remain in dispute. Mrs. Foster has argued that the City agreed to pay her medical bills, which is also in dispute.

On January 11, 2010 Mrs. Foster made a claim to the City that she had been handcuffed too tightly and as a result that she had broken a small bone in her left wrist. However Mrs. Foster is in her 80's and could not remember much of the specific details surrounding her being handcuffed. The City's claims adjuster investigated Mrs. Foster's claim, concluded that police acted appropriately, and consequently denied her claim on two occasions. Despite Mrs. Foster's lack of cooperation to permit the City's adjuster to review her medical bills, the City's adjuster determined that Mrs. Foster's medical bills had been paid by Medicare. Moreover, the City's adjuster requested a peer review assessment of Mrs. Foster's medical records which indicated that Mrs. Foster did not suffer a broken bone in her wrist, as she had indicated. Accordingly, the City's adjuster denied her claim once again on August 27, 2012.

Current Status

In September 2012, Mrs. Foster began contacting City staff regarding her claims. She inquired about the appeal process from the denial of her claims. As a result, on September 18 and 21, 2012, the City Attorney's Office advised Mrs. Foster in writing of the City's appeal process from a denial of her claim. In the interest of fairness, our office also advised Mrs. Foster of the

possibility that the statute of limitations for her claims might expire on September 21, 2012, but that she should contact a lawyer of her choice to discuss any deadline. At that time, Mrs. Foster acknowledged her understanding that the time limit for her to file a lawsuit, if she decided to do so, was possibly running out. On September 25, 2012, our office received correspondence from Mrs. Foster indicating the possibility that she might file a lawsuit. On October 15, 2012, the City Attorney's Office was advised by the Southern Coalition for Justice, who is now representing Mrs. Foster, that a lawsuit had been filed on Mrs. Foster's behalf against the City in September of 2012. Mrs. Foster's attorney also provided a copy of the lawsuit to the City Attorney's Office, which also names Sterling Adjustment (the City's adjuster) as a Defendant. Mrs. Foster's lawsuit essentially makes two claims: (1) gross negligence by police officers in handcuffing her wrists (against the City only), and (2) bad faith refusal to settle her claims (against both the City and its claims adjuster, Sterling Adjustment). Mrs. Foster's lawsuit seeks compensatory damages in excess of \$15,000.00, punitive damages against the City's claims adjuster, as well as attorney's fees and costs.

Next Steps

On October 16, 2012, the City was officially served with this lawsuit. The City will respond to the lawsuit and we intend to vigorously defend the City against Mrs. Foster's claims, and we are optimistic that the City will prevail. In the meantime, as Mrs. Foster is now represented by counsel, the City Attorney's Office recommends that all future communications with Mrs. Foster regarding her claims and lawsuit against the City should be directed through the City Attorney's Office.

We will continue to update you on this matter and we are happy to discuss this issue at your convenience.

SMS/BKL

cc: Denise Turner Roth/City Manager
James Westmoreland/Deputy City Manager
Ken Miller/ Police Chief
Jim Clark/Police Attorney

McCollough, Mary

From: Turner Roth, Denise
Subject: FW: Eva Foster

From: Shah-Khan, Mujeeb
Sent: Friday, November 02, 2012 5:34 PM
To: Turner Roth, Denise
Subject: Eva Foster

Here's some additional information about her case.

We do have her medical records which permitted the peer review. The peer review was done by a Maryland Orthopedist. He found no fracture.

Medical bills – we've got some, but not all. She claims out of pocket expenses of \$3,119.15. This includes co-pays, medication, and having someone cook and clean for her, and taking her to various appointments. Co-pays total \$350.97 of that. Medication is \$430. The rest is the cooking and cleaning and transportation.

Key point – anything the City chooses to pay her would most likely go to Medicare first. Medicare may be willing to negotiate with her attorney, but they don't have to.

S. Mujeeb Shah-Khan
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

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mujeeb.shahkhan@greensboro-nc.gov
www.greensboro-nc.gov



November 9, 2012

TO: Denise Turner Roth, City Manager

FROM: Sue Schwartz, FAICP, Director

SUBJECT: Post RUCO Study Committee Update

Since March 2012, the Post Rental Unit Certificate of Occupancy (RUCO) Study Committee has been meeting to develop recommendations concerning potential amendments to Greensboro's Minimum Housing Code based on legislation passed by the General Assembly in 2011. This legislation effectively eliminated Greensboro's Rental Unit Certificate of Occupancy program but did provide some options for municipalities to address rental properties.

The committee had been working diligently in the hopes of completing their work by October 31, 2012. They have made great strides and are very close to producing a draft ordinance for City Council consideration. It is hoped the draft will be completed by December 1, 2012.

Please let me know if you need additional information or have any questions.

SS

Office of the City Clerk
City of Greensboro



November 8, 2012

TO: Denise Turner Roth, City Manager
FROM: Betsey Richardson, City Clerk
SUBJECT: Procedure to fill Council Vacancy

At the November 7th meeting of City Council it was the consensus of Council to have letters of interest and resumes submitted to the City Clerk by 5:00 p.m. on December 10, 2012 by any qualified voter of eligible age and resident of District 5 interested in filling the slot which will be vacated by Councilmember Wade on or before January 9, 2013. The direction was that the City Clerk would distribute said letters and interest forms to the City Council and that the Council would make a decision on the replacement at the December 18th Council meeting.

City Attorney Mujeeb Shah-Khan advised that the information provided by interested parties was public record; would be provided to the media upon request; and confirmed that Councilmembers were not restricted from talking to persons interested in the vacancy.

Please let me know if you have any questions.

BR

cc: Mujeeb Shah-Khan



**CITY OF GREENSBORO
FOR IMMEDIATE RELEASE**

Contact: Jake Keys
Phone: 336-373-2105

City Now Accepting Resumes for City Council Position

GREENSBORO, NC (November 9, 2012) – The City of Greensboro is now accepting resumes from candidates who wish to be considered for the soon-to-be vacant District 5 City Council seat. Council is accepting applications through December 10 for the position that will be vacated by Councilmember Trudy Wade, who was elected to the NC Senate on November 6.

Interested candidates should send a resume and letter of interest to City Clerk Betsey Richardson in the City Clerk's office at Betsey.Richardson@greensboro-nc.gov, or fax it to her at 336-574-4003. All information provided is regarded as public information and is available to the media.

City Council plans to appoint a new member by January 9, 2013. The person selected must be a qualified voter, living in District 5 and willing to serve out the remainder of the term, until December 3, 2013.

For additional information, please contact Richardson at 336-373-2397.

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The City works with the community to improve the quality of life for residents through inclusion, diversity, and trust. As the seventh largest employer in Greensboro, the City has a professional staff of 2,800 employees who maintain the values of honesty, integrity, stewardship, and respect. The City is governed by a council-manager form of government with a mayor and eight council members. For more information on the City, visit www.greensboro-nc.gov or call 336-373-CITY (2489).



November 9, 2012

TO: Denise Turner Roth, City Manager

FROM: Sandy Neerman, Assistant City Manager

SUBJECT: Human Relations Public Meetings

The work to continue to reshape the vision and mission of the Human Relations Department continues to progress. The City has completed its public outreach efforts in soliciting input into the future role of the department. Nearly 60 members of the community were invited to participate in one of three meetings, while other key stakeholders were interviewed one-on-one or via a personal phone call. The purpose of the community meetings and conversations was to gather feedback about the capabilities of the department, the programs and services it provides, and the needs that it serves within the community.

The following is a list of trends that surfaced during the meetings and conversations and that are being considered as part of the reshaping process:

- The mission of the Human Relations Department needs to be defined;
- The Department needs to increase partnerships across the community with other organizations that have similar missions;
- Outreach to diverse populations needs to be increased;
- The structure and design of the department should be examined and aligned with what affords quality outcomes and trust;
- Efforts needs to be prioritized through strategic planning and with the necessary funding and resources;
- Community gatekeepers should be used to keep the pulse of the various population needs;
- Current processes should be examined to be sure they are not unintentionally alienating segments of the population;
- Department should focus on becoming more proactive and serving as a role model with actions that match its mission;
- Community forums should be created to bring residents together around various topics of concern;
- Departmental staff should get involved in the community to listen to what is on the mind of Greensboro's residents;

These trends are being evaluated and reviewed with Human Relations staff and will be shared with meeting participants. The final step in the process is to provide recommendations to you for consideration in making any structural changes to the department in the future.

SN/dt



**CITY OF GREENSBORO
FOR IMMEDIATE RELEASE**

Contact: Jeff Kimel
Phone: 336-373-2639

City Now Offers Water Bill Payment by Phone

GREENSBORO, NC (November 6, 2012) – You can now pay your City water bills and access your account information over the phone by calling 373-IPAY (4729). The system, called City Pay, is one of several ways you can pay water bill charges.

By calling 373-IPAY (4729), you can pay the full balance on your bill using a valid debit or credit card, get a confirmation of the payment, and check your account balance and payment history. All that is needed to start the process is your water bill account number, found at the top of your bill or on your bill stub.

The City Pay system uses a speech recognition feature, which means speaking your account number requires you to say each number clearly and separately at a medium speed. For example, the number 110 should be said one-one-zero and not one-ten. Also, you should make sure to keep background noise to a minimum because the system will 'hear' the noise and that could affect the transaction.

A \$1.95 convenience fee will be added to your water bill payment in addition to the bill amount when you use the City Pay system.

Other water bill payment options include paying online at www.greensboro-nc.gov/onlinepayments, in person and by mail, bank draft, and drop box. Information about all six payment methods can be found at www.greensboro-nc.gov/PayWaterBill.

For more information about City Pay or for help using the system, call the Contact Center at 373-CITY (2489).

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**Public Affairs
Contact Center Weekly Report
Week of 10/29/12 – 11/4/12**

Contact Center

4923 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 1043
IVR/Pay by Phone – 306
New Sign up – 214
Bill Extension – 156
General Info – 122

Field Operations

Loose Leaf Collection – 120
HHW/Landfill/Transfer – 69
Bulk Guidelines – 57
No Service/Garbage – 53
Repair Can/Garbage – 53

All others

Police/Watch Operations – 299
HR/Employment – 99
Courts/Sheriff – 60
Collections – 45
Privilege License – 43

Comments

We received a total of **6** comments this week:

Business Line – 1 comment:

- This pilot needs to include more nights and Saturday lunch. This really doesn't allow people that don't work downtown to enjoy the awesome food trucks!

Field Operations – 3 comments:

- Anonymous caller upset that this occupant has piled leaves all over the sidewalk in front of their house. You have to walk on their property to get around the leaves. For every person that does this, the caller thinks that the city should come out and blow the leaves back up into their yard. We would only need to do this once, and they would learn their lesson.
- Customer does not want to pay \$50 for a second recycle can. She believes that the use of a second recycle can helps the City in its recycle efforts. Due to the cost of an additional can, she will place recyclable items in the regular trash can defeating the purpose of recycling.
- Resident wants to send a thank you to the driver who picks up the green cans for her street. Driver always makes a special effort to clean up any trash that might fall out of cans. Extremely appreciative of his efforts in always cleaning up. No other driver does this.

Transportation – 1 comment:

- Caller wishes to thank City for installing new bus bench and shelter at Fourth St. and Summit.

Public Affairs – 1 comment:

- City Academy participant calling to advise what great service we have. He enjoyed our program/game on November 1st. He wanted to say a big thank you to everyone and to the city for our services. Today was his first call to the Contact Center, 373-CITY.

Overall

Calls about the loose leaf collection schedule and calls about employment increased last week. Calls for the pay by phone system for water bills also increased. Call volume continued to be busy through the end of the week.



SMALL GROUP MEETINGS

Date	Councilmember	Department / Person Contacted	Subject	Council Notification Date
November 2, 2012	Councilmember Matheny Councilmember Vaughan	Executive: City Manager Roth	Greensboro's Performing Arts Center	November 9, 2012
November 6, 2012	Councilmember Hoffmann Councilmember Vaughan	Executive: City Manager Roth	Downtown	November 9, 2012
November 8, 2012	Mayor Pro Tem Johnson Councilmember Kee	Executive: City Manager Roth	Parity Study	9-Nov-12